

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

AUG 3 1 1998

Mr. Ray T. Moore
Cultural Resources Coordinator
Environmental Protection Division
Department of Energy
Oak Ridge National Laboratory
P.O. Box 2001
Oak Ridge, TN 37831-8739

REF: Memorandum of Agreement for decontamination and decommissioning at Buildings
K-29, K-31, and K-33

Dear Mr. Moore: *Ray*

Enclosed is your copy of the executed Memorandum of Agreement for the referenced project. By carrying out the terms of the Agreement, you will have fulfilled your responsibilities under Section 106 of the National Historic Preservation Act and the Council's regulations. Please forward a copy of the executed Agreement to the Tennessee State Historic Preservation Officer.

We appreciate your cooperation in reaching this Agreement.

Sincerely,

Tom McCulloch

Tom McCulloch
Office of Planning and Review

Enclosure

OFFICIAL FILE COPY

AMESQ

Log No. B 1129

Date Received SEP 1 0 1998

File Code 2182.3

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. DEPARTMENT OF ENERGY
OAK RIDGE OPERATIONS OFFICE
AND THE
TENNESSEE STATE HISTORIC PRESERVATION OFFICE
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR PART 800.5(e)(4)
REGARDING THE THREE BUILDING DECONTAMINATION AND
DECOMMISSION (D&D), AND RECYCLE PROJECT AT THE K-25 SITE
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE**

WHEREAS the U.S. Department of Energy Oak Ridge Operations Office (DOE ORO) proposes to decontaminate and decommission, remove, recycle and/or dispose of gaseous diffusion processing equipment in Buildings K-29, K-31, and K-33; demolish auxiliary facilities in the K-762 and K-792 switch yards; remove equipment in Building K-761; remove tanks including K-1103, electrical conduit support structures and process tie-lines.

WHEREAS the Three Building Decontamination and Decommission (D&D) and Recycle Project, which is the subject of this Memorandum of Agreement (MOA), is as described in the document titled, *"Project Summary Archeological and Historical Review, Three Building Decontaminate and Decommission (D&D) and Recycle Project, East Tennessee Technology Park (Formerly K-25 Site),"*

WHEREAS DOE ORO has established the area of potential effect of the undertaking as defined at 36 CFR 800.2(c), to be the interior and exterior of the gaseous diffusion Buildings K-29, K-31, K-33, and auxiliary facilities in the K-762 and K-792 switchyards;

WHEREAS DOE ORO has determined that the Three Building Decontamination and Decommission (D&D) and Recycle Project would have an effect on the gaseous diffusion Buildings K-29, K-31, K-33 and the auxiliary facilities in the K-762 and K-792 switchyards;

WHEREAS DOE ORO pursuant to 36 CFR 800.4(c) and in consultation with the State Historic Preservation Officer (SHPO), has determined that gaseous diffusion Buildings K-29, K-31, K-33 and auxiliary facilities in the K-762 and K-792 switchyards are eligible for inclusion on the National Register of Historic Places;

WHEREAS DOE ORO has consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470, and its implementing regulations (36 CFR Part 800) to resolve any adverse effects of the Three Building Decontamination and Decommission (D&D) and Recycle Project in Buildings K-29, K-31, K-33 and auxiliary facilities in the K-762 and K-792 switchyards;

WHEREAS DOE ORO intends to use the provision of this MOA to address applicable requirements of Section 110(b) of NHPA, 16 U.S.C. § 470h-2(b); and

NOW, THEREFORE, DOE ORO and the SHPO agree upon acceptance of this MOA by the Advisory Council on Historic Preservation (Council), and upon the decision by DOE ORO to proceed with the Three Building Decontamination and Decommission (D&D) and Recycle Project in the gaseous diffusion Buildings K-29, K-31, K-33, and auxiliary facilities in the K-762 and K-792 switchyards; DOE ORO shall ensure that the following stipulations shall be implemented in order to take into account the effects of the undertaking on these historic properties.

STIPULATIONS

DOE ORO shall ensure the following measures are carried out:

1. Section 110 (b) Documentation

- a. A Project Summary including a map showing the location of the gaseous diffusion Buildings K-29, K-31, K-33 and auxiliary facilities in the K-762 and K-792 switchyards shall be provided to the SHPO and retained in the files of the DOE ORO Technical Support Division.
- b. A full set of black-and-white 35 mm photographs in 5"x7" format, appropriately labeled, documenting the design and current conditions and surrounding landscapes around Buildings K-29, K-31, K-33 and auxiliary facilities in the K-762 and K-792 switchyards shall be provided to the SHPO and shall be retained in the files of the DOE ORO Technical Support Division. These drawings shall be provided for view to any interested person demonstrating a research interest in such structures and architectural drawings.
- c. Structural and architectural drawings documenting the details and layout of major process equipment components shall be provided to the SHPO and shall be retained in the files of the DOE ORO Technical Support Division. These drawings shall be provided for view to any interested person demonstrating a research interest in such structures and architectural drawings.
- d. A document entitled "*The Picture Book of Gaseous Diffusion*" prepared by Robert H. Dyer shall be retained in the files of the DOE ORO Technical Support Division.
- e. The classified display of gaseous diffusion equipment components which is currently located in the "K-33 Cutaway Room" will be retained and relocated to a suitable classified storage area for future access and study by individuals having the appropriate security clearances. The Bechtel Jacobs ETTP Environmental Compliance Department's Cultural Resources Coordinator shall be notified before any of the above documentation is relocated or modified.
- f. An unclassified display of the gaseous diffusion process and some unclassified components will be retained. The Bechtel Jacobs ETTP Environmental Compliance Department's Cultural Resources Coordinator shall be notified before any of display items and components are relocated or modified. The components to be retained will include:
 1. The plastic panels currently located in the visitors area at the K-33 Demonstration Cell.

2. The plastic model of the 000 cell display located on the K-33 Operating Floor near the "Cutaway Room".
3. Three valve boards used by operations personnel in the K-31/K-33 Area.
4. Various artifacts to include contents of the four glass cabinets currently located in the K-1024 Building.

2. Resolving Objections

- a. Once the operational phase of this project has begun, should the SHPO or the Council object to activities relative to this project and pursuant to this MOA, the DOE/ORO shall consult with the objecting party to resolve the objection. All actions under this MOA that are not the subjects of the objection shall remain unchanged.
- b. If DOE ORO determines that the objection cannot be resolved, DOE ORO shall forward all documentation relevant to the dispute to the Council. Within 30 days of receipt of this documentation, the Council will either:
 - i. Provide DOE ORO with recommendations which DOE ORO will take into account when reaching a final decision regarding the dispute; or
 - ii. Notify DOE ORO that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any such comment will be taken into account by DOE ORO in accordance with 36 CFR 800.6(c)(2) when reaching a final decision regarding the dispute.
- c. Should the Council not exercise one of the above options within 30 days after receipt of all pertinent documentation, DOE ORO may assume the Council's concurrence in its proposed response to the objection.

3. Administrative Stipulations

- a. **Definition of Parties.** For the purpose of this MOA, the term "parties to this MOA" means DOE ORO, the SHPO, and the Council, each of which has authority under 36 CFR 800.5(e)(6) to terminate the consultation process.
- b. **Alterations to Project Documents.** DOE ORO shall not alter any plan, scope of service, or other document that has been reviewed and commented on pursuant to this MOA, except to finalize the documents commented on in the draft, without first affording the SHPO and Council the opportunity to review the proposed change(s) and determine whether it shall require this MOA to be amended. If one or more of the above parties determine that an amendment is needed, the parties of the MOA shall consult in accordance with 36 CFR 800.5(e) to consider such an amendment.
- c. **Amendments.** Any party to this MOA may propose to DOE ORO that the MOA be amended, whereupon DOE ORO shall consult with other parties to this MOA to consider such an amendment. 36 CFR 800.5(e) shall govern the execution of any such amendment.

d. Termination.

- i. If ORO determines that it cannot implement the terms of this MOA, or if the SHPO or the Council determines the MOA is not being properly implemented, DOE ORO, SHPO, or Council may propose to the other parties to this MOA that it be terminated.
- ii. The party proposing to terminate this MOA shall notify all parties to this MOA explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination.

Should such consultation fail and the MOA be terminated, DOE ORO shall either consult in accordance with 36 CFR 800.5(e) to develop a new MOA or request the comments of the Council pursuant to 36 CFR 800.5(e)(6).

Execution of this MOA by the DOE ORO and the SHPO, its subsequent acceptance by the Council, and implementation of its terms serves as evidence that DOE ORO has afforded the Council an opportunity to comment on the Three Building Decontamination and Decommission (D&D) and Recycle project in Buildings K-29, K-31, K-33 and auxiliary facilities in the K-762 and K-792 switchyards which are eligible for inclusion in the National Register and that DOE has taken into account the effects of this project on these historic properties.

DEPARTMENT OF ENERGY/OAK RIDGE OPERATIONS OFFICE

By: Peter J. Gross Date: 7-27-98
Peter J. Gross, Director, Technical Support Division

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: Herbert C. Hayes Date: 8/4/98

ACCEPTED for the Advisory Council on Historic Preservation

By: John M. Fowler Date: 8/28/98



Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

September 28, 2001

Mr. Joseph Garrison
Tennessee Historical Commission
Department of Environment and Conservation
2941 Lebanon Road
Nashville, TN 37243-0442

Dear Mr. Garrison:

**PROPOSED MODIFICATION TO THE MEMORANDUM OF AGREEMENT FOR THE
EAST TENNESSEE TECHNOLOGY PARK THREE-BUILDING
DECONTAMINATION & DECOMMISSION AND RECYCLE PROJECT, DATED
AUGUST 28, 1998**

Enclosed is a modification to Stipulation 1.e of the subject Memorandum of Agreement (MOA). The proposed modification was previously provided for your review and consideration. This modification was prepared with the assistance and guidance from the Advisory Council on Historic Preservation.

The Department of Energy Oak Ridge Operations (DOE ORO) has determined this modified stipulation would still ensure that the adverse effects associated with the proposed undertaking on historical, archeological, or cultural resources included or eligible for inclusion in the National Register of Historic Places would be minimized. The modification to the original MOA (Stipulation 1.e.) has been signed by Mr. Robert Brown, Assistant Manager, Assets Utilization, DOE ORO.

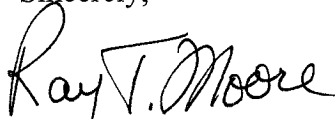
ORO requests your concurrence, signature, and return of this modification to the MOA. ORO will then include modified Stipulation 1.e. in the original file copy MOA to replace the current Stipulation 1.e. A copy of the signed MOA modification, 1.e. will also be provided to the Advisory Council for filing.

Mr. Joseph Garrison

2

If you have questions or need additional information related to this proposed project, please call me at 865-576-9574.

Sincerely,

A handwritten signature in black ink that reads "Ray T. Moore". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Ray T. Moore
DOE ORO Cultural Resources
Management Coordinator

Enclosure

cc w/enclosure:

J. Howard, AU-60

R. Brown, AU-60

L. Clark, AU-61

M. Million, AD-423

T. McCulloch, Advisory Council

EC Document Center Bldg 9734, MS-8130

cc w/o enclosure:

L. Thompson, EH-232, HQ/FORS

F. G. Gosling, HR-76, HQ/FORS

T. Slack, CC-10

W. Perry, M-4

R. Poe, SE-30

D. Allen, SE-30-1

A. Rothrock, CC-10

S. Thornton, Bldg. K-1550-U, MS 7234

J. Webb, Bldg. 9115, MS 8219

J. Hall, Bldg. 6026C, MS-6395

M. Weist, Bldg. 9116, MS 8098

**Amendment to
Memorandum of Agreement
Between the U.S. Department of Energy
Oak Ridge Operations Office
and the
Tennessee State Historic Preservation Office
Pursuant to 36 CFR Part 800.5(e)(4)
Regarding the Three Building Decontamination and
Decommission (D&D) and Recycle Project at the K-25 Site
On the Oak Ridge Reservation, Roane County, Tennessee**

WHEREAS in 1998 the U.S. Department of Energy Oak Ridge Operations Office (DOE ORO) entered into Memorandum of Agreement with the Tennessee State Historic Preservation Officer (SHPO) to, among other actions, decontaminate and decommission, remove, recycle, and/or dispose of gaseous diffusion processing equipment in Buildings K-29, K-31, and K-33, and

WHEREAS these same parties have agreed that an amendment to this Memorandum of Agreement should be executed;

NOW, THEREFORE, the above-referenced Memorandum of Agreement accepted by the Advisory Council on Historic Preservation (Council) on August 28, 1998 is amended by replacing only Stipulation 1.e. with the following:


K-33 MOA Stipulation 1.e.

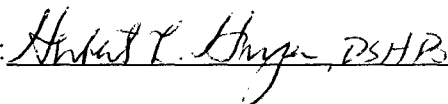
1.e. A previously decontaminated 000 size gaseous diffusion converter and compressor identical to the gaseous diffusion process equipment currently in the "K-33 Cutaway Room" and which is representative of the equipment used in the K-33 Building, will be retained for future access and display at a location to be determined. All other classified and unclassified equipment and displays including the 3300 HP electric process motor, presently located in the "K-33 Cutaway Room" will be retained for future access and display by interested parties and, as applicable, parties with appropriate security clearances. The Bechtel Jacobs Company LLC, ETTP, Environmental Compliance Department's Cultural Resources Coordinator shall be notified before any of the above process equipment and displays are relocated or modified.

All other provisions of the Memorandum of Agreement accepted by the Council on August 28, 1998 shall remain in force.

Execution of this Amendment to the Memorandum of Agreement accepted by the Council on August 28, 1998, implementation of the revised stipulation, and the filing of this Amendment by the Council evidences that the DOE ORO has satisfied its Section 106 responsibilities for this project.

Department of Energy/Oak Ridge Operations Office:

By:  Date: 9/20/01
for R. J. Brown, Assistant Manager
for Assets Utilization
Tennessee State Historic Preservation Officer:

By:  Andrew L. Gump, DSHPO Date: 10/5/01